

MAY 18 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)

Implementation of the Cable Television)
Consumer Protection and Competition)
Act of 1992)

MM Docket No. 92-260

Cable Home Wiring)

**SUPPORTING STATEMENT
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) supports the petitions for reconsideration filed April 1, 1993 by the Wireless Cable Association International (WCA), Liberty Cable Company (Liberty) and the NYNEX Telephone Companies (NYNEX). These petitions were placed on public notice May 3, 1993 at 58 Fed. Reg. 26323.

The intent of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act) was to use regulation and competition together to control the cable industry's well-documented history of egregious anti-consumer conduct. In its Report and Order in this proceeding, released February 2, 1993, the Commission took some steps to promote a fully competitive cable home wiring environment. USTA agrees with WCA that the February Report and Order was a valuable first step, but USTA also agrees with WCA (a) that the Commission's actions still maintain opportunities for

exploitation by cable operators, and (b) that the Commission should take useful further action to serve the public interest and to achieve the ends of the 1992 Cable Act.

A cable operator should be deterred from falsely advising a customer that his or her wiring will be removed. WCA at 3-5. WCA's suggestion is reasonable, i.e., that if a cable operator states that it will remove cable home wiring, it should do so within seven days of the terminating customer's request, or be barred from interfering with customer use after that date unless it affirmatively assures that the customer is not detrimentally affected vis-a-vis any new installation by a competitor. WCA at 5. A cable operator also should be prohibited from treating any customers disconnecting from cable service in a discriminatory fashion while they have service. WCA at 6.

USTA agrees with Liberty and NYNEX that the demarcation point at multiple dwelling unit premises should be defined so that it must always be at a point where relatively convenient and cost-effective access to existing cable home wiring is available. Liberty at 4; NYNEX at 3-4. The access to the demarcation point available to an alternative service provider should be no more burdensome than the access by the existing provider. This can be achieved without harming the building or affecting cable service to others. USTA also encourages a further look at "loop-through" systems to assure that individual consumers are not held hostage by the inaction of others in their building. See Liberty at 6; NYNEX at 4. If "loop-through" systems can be eliminated or avoided, they should be.

Finally, and most importantly, USTA agrees with NYNEX that the Commission should reconsider its conclusion that its rules will only apply at termination of service. NYNEX at 5. As USTA stated in its own filings, "termination" rights are best identified through "commencement" rules. USTA Reply Comments in this proceeding, filed December 15, 1992 at 6. The Commission can best assure a clear and unchallengeable rule dealing with "disposition" of cable home wiring if it has in place a clear and unambiguous rule that applies to all cable home wiring, including the existing embedded base of such wiring, and for any new wiring, dates from the commencement of installation. Id. at 5.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

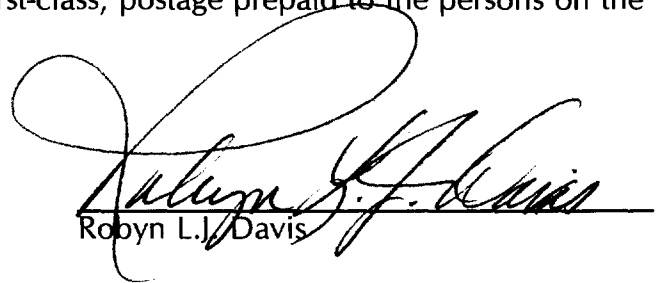
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May 18, 1993

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on May 18, 1993 copies of the foregoing Supporting Statement of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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